

CLOSED, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-04381-PAC
Internal Use Only

Community Preservation Corporation v. 1974 Realty Associates Date Filed: 06/02/2010
Assigned to: Judge Paul A. Crotty Date Terminated: 06/30/2010
Case in other court: New York Eastern, Jury Demand: None
1:10-cv-02061 Nature of Suit: 220 Real Property:
Cause: 28:1441 Notice of Removal Foreclosure
Jurisdiction: Federal Question

Plaintiff**Community Preservation Corporation**

represented by **Steven J. Peddy**
Berkman, Henoch, Peterson & Peddy, P.C.
100 Garden City Plaza
Garden City, NY 11530
516-222-6200
Fax: 516-222-6209
ATTORNEY TO BE NOTICED

V.

Defendant**1974 Realty Associates**

represented by **Mark Allen Frankel**
Backenroth Frankel & Krinsky, LLP
489 Fifth Avenue
New York, NY 10017
212 593 1100
Fax: 212 644-0544
Email: mfrankel@bfklaw.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/06/2010	<u>1</u>	NOTICE OF REMOVAL from the Supreme Court of the State of New York, Kings County by 1974 Realty Associates (Filing fee \$ 350) Disclosure Statement on Civil Cover Sheet completed -yes, (Attachments: # <u>1</u> Civil Cover Sheet) (Bowens, Priscilla) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/07/2010)
05/06/2010		(Court only) ***Magistrate Judge Go chosen by random selection to handle matters that may be referred in this case. (Bowens, Priscilla) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/07/2010)
05/06/2010		FILING FEE: \$ 350, receipt number 4653014605 (Bowens, Priscilla) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/07/2010)
05/07/2010		ORDER TO SHOW CAUSE. Defendant is ORDERED TO SHOW CAUSE by 5/14/2010 why this case should not be remanded for failing to comply with Bankruptcy Rule 9027(a), which requires submission of copies of all pleadings and process in the action. Defendant is directed to print out a copy of this Order, fax it to plaintiff's counsel of record, and file proof of such service no later than 5/10/10. Plaintiff's counsel is ORDERED to register for ECF notices in this case no later than 5/14/10. Ordered by Judge Brian M. Cogan on 5/7/2010. (Cogan, Brian) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/07/2010)
05/10/2010	<u>2</u>	SCHEDULING ORDER: Initial Conference set for 6/1/2010 at 9:30 AM in Chambers 717S. SEE ATTACHED MANDATORY REQUIREMENTS FOR CONFERENCE. Ordered by Judge Brian M. Cogan on 5/10/2010. (Weisberg, Peggy) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/10/2010)

05/14/2010	<u>3</u>	RESPONSE TO ORDER TO SHOW CAUSE by 1974 Realty Associates (Frankel, Mark) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/14/2010)
05/14/2010		ORDER TO SHOW CAUSE. By Order entered 5/7/10, defendant was Ordered "to print out a copy of this Order, fax it to plaintiff's counsel of record, and file proof of such service no later than 5/10/10." No proof of such service has been filed. Defendant's counsel is therefore Ordered to Show Cause by 5/21/2010 why sanctions should not be imposed for failing to comply with this Court's Order. Ordered by Judge Brian M. Cogan on 5/14/2010. (Cogan, Brian) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/14/2010)
05/14/2010	<u>4</u>	AFFIDAVIT of Service for Order to Show Cause served on Community Preservation Corporation on May 13, 2010, May 14 2010, filed by 1974 Realty Associates. (Frankel, Mark) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/14/2010)
05/14/2010	<u>5</u>	AFFIDAVIT of Service for Response to Order to Show Cause served on Community Preservation Corporation on May 14, 2010, filed by 1974 Realty Associates. (Frankel, Mark) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/14/2010)
05/14/2010	<u>6</u>	STATE COURT RECORD (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit) (Frankel, Mark) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/14/2010)
05/21/2010	<u>7</u>	RESPONSE TO ORDER TO SHOW CAUSE by 1974 Realty Associates (Frankel, Mark) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/21/2010)
05/21/2010	<u>8</u>	AFFIDAVIT of Service for Response to Order to Show Cause served on Community Preservation Corporation on May 21, 2010, filed by 1974 Realty Associates. (Frankel, Mark) [Transferred from New York Eastern on 6/3/2010.] (Entered: 05/21/2010)
06/02/2010		Minute Entry and Order for Initial Status Conference held before Judge Brian M. Cogan on 6/1/10. Both sides present. The parties stipulated that the case should be transferred to the Southern District of New York so it can be referred to the Bankruptcy Judge presiding over defendant's Chapter 11 case. The Court found that the interests of justice would be served by a transfer for that purpose because the issue of the receiver's accounting as to the debtor/defendant's property should be determined by the Bankruptcy Court, and this Court therefore ordered the transfer under 28 U.S.C. 1404(a). The Clerk of the Court is directed to transfer this proceeding to the Southern District of New York. (Weisberg, Peggy) [Transferred from New York Eastern on 6/3/2010.] (Entered: 06/02/2010)
06/02/2010		Case transferred to District of New York–Southern. Original file, certified copy of transfer order, and docket sheet sent. ALL FILINGS ARE TO BE MADE IN THE TRANSFER COURT, DO NOT DOCKET TO THIS CASE. (Marziliano, August) [Transferred from New York Eastern on 6/3/2010.] (Entered: 06/02/2010)
06/03/2010	<u>9</u>	CASE TRANSFERRED IN from the United States District Court – District of New York Eastern; Case Number: 1:10–cv–02061. Original file with documents numbered 1 – 8, certified copy of transfer order and docket entries received. (Idi) (Entered: 06/03/2010)
06/03/2010		Magistrate Judge Gabriel W. Gorenstein is so designated. (Idi) (Entered: 06/03/2010)
06/03/2010		Case Designated ECF. (Idi) (Entered: 06/03/2010)
06/03/2010		NOTE TO OUT OF STATE ATTORNEYS: Please visit the Court's website at http://www.nysd.uscourts.gov for information regarding admission to the S.D.N.Y. Bar and the CM/ECF Rules & Filing Instructions. (Idi) (Entered: 06/03/2010)
06/07/2010	<u>10</u>	INITIAL PRETRIAL CONFERENCE ORDER: Initial Conference set for 6/30/2010 at 02:30 PM in Courtroom 18B, 500 Pearl Street, New York, NY 10007 before Judge Paul A. Crotty. So Ordered (Signed by Judge Paul A. Crotty on 6/7/2010) (js) (Entered: 06/07/2010)
06/30/2010	<u>11</u>	ENDORSED LETTER addressed to Judge Paul A. Crotty from Mark Frankel dated 6/17/10 re: The Plaintiff and Defendant both anticipated after the case arrived in the District Court for the Southern District it would then be referred to the Bankruptcy Court for the Southern District Court's "Standing Order of Referral of Cases to Bankruptcy Judges" signed by Judge Ward, and Rule 9027 of the Federal Rules of

		Bankruptcy Procedure. Plaintiff and Defendant are inquiring as to whether this case is going to be referred to the Bankruptcy Court, and if so, whether the status conference on June 30, 2010 can be marked off. ENDORSEMENT: This matter is referred to the Bankruptcy proceeding 10-11417 now pending in the Bankruptcy Court, SDNY. The conference scheduled for 6/30/10 is marked "off". So Ordered. (Signed by Judge Paul A. Crotty on 6/30/10) (pl) (Entered: 06/30/2010)
06/30/2010		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States Bankruptcy Court – Southern District of New York. (mbe) (Entered: 06/30/2010)